IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 50 OF 2006
IN
CRIMINAL APPEAL NO. 28 OF 2006

Satish @ Satyajeet Pandurang Patil
Patil and anr. .. Applicants
(Org.Accd.Nos.1 & 2)

Vs.

The State of Maharashtra .. Respondent

Mr. Nitin Pradhan with Mr. V.V. Purvant for Applicants.
Mr. V.B. Konde-Deshmukh, APP for State.

CORAM: B.H. MARLAPALLE & SMT.R.S. DALVI,JJ.

Reserved on : February 22, 2006.

Pronounced on : February 27, 2006.

P.C.:

1. Heard Mr. Nitin Pradhan with Mr. V.V. Purvant, the learned counsel for the applicants who have been convicted and sentenced by the learned Additional Sessions Judge at Gadhinglaj in Sessions Case No.3 of 2005 and the said order dated 31/12/2005 is subject matter of Criminal Appeal No.28 of 2006 which has been admitted by us on 6/2/2006. Hence this application for being released on bail pending the appeal.

2. The applicant no.1 was married to Ranjana, the daughter of P.W.1 Parasharam Bhogan on 11/5/2004 and

she was a student of D-Pharmacy College at Belgaon. The applicant no.2 is the father of applicant no.1 and applicant no.1 had completed his B.H.M.S. Degree and started his medical practice. On 1/11/2004 Ranjana was seen in hanging condition in the kitchen of her matrimonial home around 6 p.m. The F.I.R. came to be filed at about 8 p.m. when Ranjana was declared to be dead by Dr. P.S. Patil. The applicants-accused were tried for the offences punishable under Sections 498-A and 302 read with Section 34 of IPC. The prosecution examined in all 12 witnesses. The defence taken by the accused was that Ranjana committed suicide by hanging herself on 1/11/2004 in her matrimonial home at village Nagardala. The distance between village Nagardala and the village of the complainant P.W.1 Kowad is about 5 to 6 Kms. P.W.6 Dr. P.S. Patil, while in the witness box, confirmed his opinion recorded in the post mortem notes (Exh.6) that Ranjana died due to "Asphyxia due to throttling". After considering the evidence as adduced by the prosecution, the trial court held that the accused were guilty of the offences punishable under Section 498-A read with Section 34 as well as Section 302 read with Section 34 of IPC.

3. We have gone through the reasoning set out by the trial court in support of its findings and also

considered the depositions of all the prosecution witnesses. The accused no.1 had also put himself in the witness box. We have also noted the attending circumstances to the incident which took place in the matrimonial home and during the day time in the kitchen i.e. Ranjana was seen hanging. We are satisfied that there is no case made out to release the applicant-accused no.1 on bail during the pendency of the appeal by suspending the order of sentence under Section 389 of Cr.P.C. At the same time, we are satisfied that the applicant-accused no.2, the father of accused no.1, deserves to be released on bail by suspending the order of sentence.

4. Hence the prayer of the Accused no.1 - Satish @ Satyajeet Pandurang Patil for being released on bail is hereby rejected. We direct that the Accused no.2 - Pandurang Jotiba Patil shall be released on bail on the same terms, released during trial, but on fresh bond.

5. The application is disposed off in terms of the above order.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**